

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of  
Serial No.:  
Filing Date:  
For:



Pankaj B. Patel  
09/785,775  
02/20/2001  
BIOMETRIC SWITCH AND INDICATING  
MEANS  
2621  
unknown  
PATEL-1

Group Art Unit No.  
Examiner:  
Attorney's Docket No.:

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

PETITION FOR AUTOMATIC EXTENSION OF TIME TO RESPOND

Applicant hereby petitions for a two (2) month extension of time to respond to the Decision mailed June 30, 2004 with respect to the above-identified patent application, thereby extending the time for response from August 30, 2004 to October 30, 2004.

A check in the amount of \$215.00 is enclosed to cover the cost of the petition fee. This petition fee has been calculated on the basis of a Small Entity status.

In the event that any additional fees may be required to be paid in connection with this matter, please charge the same, or credit any overpayment, to Deposit Account No. 16-0221. A duplicate copy of this Petition is enclosed for the convenience of the Office.

Thank you.

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID, IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, PO BOX 1450, ALEXANDRIA, VA 22313-1450, ON:

November 1, 2004

(DATE OF DEPOSIT)

Mark J. Pandiscio

(NAME OF ATTORNEY)

Mark J. Pandiscio 11/1/04

(SIGNATURE)

November 1, 2004

(DATE OF SIGNATURE)

KT/PATEL1.EXT

Respectfully submitted,

*Mark J. Pandiscio 11/1/04*

Mark J. Pandiscio  
Registration No. 30,883  
Pandiscio & Pandiscio  
470 Totten Pond Road  
Waltham, MA 02451-1914  
Tel. No. (781) 290-0060

11/04/2004 HAL111 00000004 09785775 215.00 OP 01 FC:2252

PATEL-1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Serial No.:

Filing Date:

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Group Art Unit No.:

Examiner:

Attorney's Docket



Pankaj B. Patel

09/785,775

02/20/2001

BIOMETRIC SWITCH AND INDICATING MEANS

2621

unknown

PATEL-1

Mail Stop Petition

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

Sir:

RENEWED PETITION UNDER 37 CFR 1.137

In response to the DECISION ON THE PETITION UNDER 37 CFR 1.137(a) (copy enclosed), mailed June 30, 2004, enclosed are the following documents relating to the above-identified patent application:

(1) a PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b), including a RESPONSE TO OUTSTANDING NOTICE TO FILE CORRECTED APPLICATION PAPERS - FILING DATE GRANTED;

(2) a POWER OF ATTORNEY form;

(3) a CHANGE OF CORRESPONDENCE ADDRESS form; and

(4) one (1) check in the amount of \$685.00 to cover the fee for filing the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b), this fee having been calculated on the basis of Small Entity status.

Thank you.

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID, IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, PO BOX 1450, ALEXANDRIA, VA 22313-1450, ON:

November 1, 2004

(DATE OF DEPOSIT)

Mark J. Pandiscio

(NAME OF ATTORNEY)

Mark J. Pandiscio 11/1/04

(SIGNATURE)

November 1, 2004

(DATE OF SIGNATURE)

Respectfully submitted,

Mark J. Pandiscio 11/1/04

Mark J. Pandiscio

Reg. No. 30,883

Pandiscio & Pandiscio

470 Totten Pond Road

Waltham, MA 02451-1914

Tel. (781) 290-0060

DAC



PTO/SB/64 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)</b>	Docket Number (Optional) PATEL-1
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First named inventor: Pankaj B. Patel

Application No.: 09/785,775

Art Unit: 2621

Filed: 02/20/2001

Examiner: unknown

Title: BIOMETRIC SWITCH AND INDICATING MEANS

**RECEIVED**  
NOV 05 2004  
OFFICE OF PETITIONS

Attention: Office of Petitions  
**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☒ Small entity-fee \$ 685.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of RESPONSE TO OUTSTANDING NOTICE TO CORRECT APPLICATION PAPERS

- ☐ has been filed previously on \_\_\_\_\_.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_.

- ☐ has been paid previously on \_\_\_\_\_.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

11/04/2004 HALI11 00000003 09785775 685.00 0P 01 FC:2453

## 3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

<u>Mark J. Pandiscio 11/1/04</u>	<u>11/01/2004</u>
Signature	Date
<u>Mark J. Pandiscio</u>	<u>30,883</u>
Typed or printed name	Registration Number, if applicable
<u>470 Totten Pond Road</u>	<u>781-290-0060</u>
Address	Telephone Number
<u>Waltham, MA 02451</u>	
Address	

- Enclosures: ☒ Fee Payment (check in the amount of \$685.00)
- ☒ Reply RESPONSE TO OUTSTANDING NOTICE TO CORRECT APPLICATION PAPERS
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unintentional delay
- ☐ Other: \_\_\_\_\_

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

11/01/04  
Date

Mark J. Pandiscio 11/1/04  
Signature

Mark J. Pandiscio  
Typed or printed name of person signing certificate